Our ref: KOY-26 Client's ref: F1003-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: A. ITAMI, et al :

Appln. No. : 10/800,208 : Art Unit : 1756

Filed : March 12, 2004 : Examiner: John L. Goodrow

Title : ORGANIC PHOTO-CONDUCTOR, PROCESS CARTRIDGE, IMAGE FORMING APPARATUS AND IMAGE FORMING METHOD :

DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Hideo Yoshizawa, hereby declare and state as follows:

1. I have read and understand the contents of this Application to include the claims.

2. I graduated from Tohoku University having majored in Applied Chemistry and was awarded a Masters of Engineering Degree in March of 1985. Since April of 1985, I have been employed by Konica Corporation, the predecessor in interest to this Application. Since April 1985, I have been engaged in the field of research and development of electrophotographic receptors and related materials.

3. I am aware that the Examiner in this case has taken the position that U.S. Patent Publication 2003-0049555, Sakon; U.S. Patent 5,824,444, Kinoshita; and U.S. Patent 5,462,826, Shimada, teach photoreceptors which inherently possess the claimed crossing angle θ of two tangential lines is 70° or more. I have reviewed all three of these references and am of the opinion that Shimada is the closest because Shimada teaches four photoreceptors that have a charge transport layer of 10 μm and a charge transport layer of 10 μm falls within the claimed film thickness in this Application of 8 to 15 μm.

4. I note that Sakon teaches a photoreceptor having a charge transport layer of 18 μm and a protective layer of 5 μm, see Paragraph 200 of Sakon. I also note that the protective layer

contains charge transport material, see Paragraph 205 of Sakon. Thus, in my opinion, the protective layer will act like a charge transport layer and the overall thickness of the charge transport layer would be 23 µm. A charge transport layer of 23 µm is outside the claimed range and, thus, Sakon is farther removed from the present Invention than the teachings of Shimada.

5. In Kinoshita, he teaches a charge transport layer of a photoreceptor being 25 µm, see Column 43, line 33. A charge transport layer of 25 µm is outside the claimed range of this Application, thus, Kinoshita is farther removed from the teachings of this Application than Shimada.

6. In Shimada, he teaches four photoreceptors each having a charge transport layer with a thickness of 10 µm, see P-1-50 at Column 55, line 59, P-1-51 at Column 57, line 4, P-2-56 at Column 65, line 32 and P-2-57 at Column 66, line 16. Since a charge transport layer having a thickness of 10 µm is within the claimed range of this Application, I decided that Shimada is the closest of the three references to this application and, thus, chose to make photoreceptors with a charge transport layer of 10 µm according to the teachings in Shimada. Specifically, I

chose the photoreceptors of P-1-50, P-1-51, P-2-56 and P-2-57. Each of these photoreceptors were made and tested to determine their crossing angle θ of two tangential lines. These photoreceptors were made and the tests were performed by me or under my direct supervision and control.

7. Shimada's photoreceptors of P-1-50, P-1-51, P-2-56 and P-2-57 were prepared as disclosed in Shimada except that VINYL 200 (a polyester resin produced by Toyobo Inc.) was employed rather than polyester adhesive 49,000. Polyester adhesive 49,000 was not available. In my opinion, VINYL 200 is similar enough to polyester adhesive 49,000 such that it does not substantially affect the test results obtained.

8. Each of the four photoreceptors were then measured to determine the crossing angle of two tangential lines following the procedure disclosed on page 48 of the Application. The crossing angles which were obtained are stated in Table 4, below.

TABLE 4

SAMPLE	P-1-50	P-1-51	P-2-56	P-2-57
CROSSING ANGLE θ	55°	53°	68°	68°

9. As shown in Table 4 above, Shimada does not result in a photoreceptor having a crossing angle of two tangential lines of 70° and more.

10. Furthermore, from my review of Shimada, I note that there is no disclosure of the crossing angle θ of two tangential lines. Thus, there is no direction in Shimada to arrive at the specific crossing angle of 70° or more.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC

1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: This 11th day of Oct., 2006. Hideo Yoshizawa

By: Hideo Yoshizawa

DCL/mr